

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MAURICE J. CLARK, SR.,	:	CIVIL ACTION
et al.	:	
	:	
v.	:	
	:	
COLWYN BOROUGH, et al.	:	NO. 12-3668

ORDER

AND NOW, this 12th day of February, 2013, upon consideration of defendant Trevor Parham's motion to dismiss (Docket No. 16), and the motion to dismiss filed by defendants Colwyn Borough, Wendell Reed, and Tonette Pray (Docket No. 17), and the briefs submitted in support of and opposition to those motions, and following a joint Rule 16 conference and oral argument held on November 27, 2012, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that:

1. The motion by defendants Reed and Pray to dismiss Count II is DENIED.
2. Defendant Parham's motion to dismiss the plaintiffs' Pennsylvania Whistleblower Law claims for lack of subject matter jurisdiction is DENIED because it was withdrawn by the defendant.
3. The motions by defendants Reed, Pray, and Parham to dismiss Count VIII, plaintiff Banks' Whistleblower Law claim, as time-barred are DENIED

without prejudice.

4. The motion by defendants Reed and Pray to dismiss the plaintiffs' Whistleblower Law claims against them for failure to state a claim is DENIED.
5. Defendant Parham's motion to dismiss the plaintiffs' Whistleblower Law claims against him for failure to state a claim is GRANTED IN PART. Counts X, XIII, and XV, the Whistleblower Law claims by plaintiffs Sterling, Craddock, and Seitz, are DISMISSED, but only with respect to defendant Parham.
6. The defendants' motions to sever the claims brought by plaintiffs Banks, Sterling, Craddock, and Seitz are DENIED without prejudice.
7. Defendant Parham's motion to dismiss all claims against him in his official capacity is DENIED as moot.
8. The defendants' motions to dismiss the plaintiffs' claims for punitive damages under the Pennsylvania Whistleblower Law are GRANTED as uncontested.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.